

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

Southern District of Texas

NOV 29 2017

United States of America

v.

Paola BENAVIDES

YOB: 1998

COC: United States

David J. Bradley, Clerk

Case No. *M-17-2170-M**Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 26, 2017 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:*Code Section*

18 U.S.C. § 922(g)(5)(A), 2

Offense Description

Knowingly and unlawfully, aided and abetted an alien, who was illegally or unlawfully in the United States, who shipped or transported in interstate or foreign commerce, or possessed in or affecting commerce, to wit: approximately 1560 rounds of 7.62 x 39mm ammunition.

This criminal complaint is based on these facts:

See "Attachement A"

☒ Continued on the attached sheet.*Approved by David A. Lindemore**[Signature]* 11/29/17

Sworn to before me and signed in my presence.

Date:

November 29, 2017
6:55am

City and state:

McAllen, Texas*[Signature]*
Complainant's signature

Ryan McTaggart, HSI Special Agent

Printed name and title

[Signature]
Judge's signature

Peter E. Ormsby, U.S. Magistrate Judge

Printed name and title

Attachment "A"

On July 26, 2017, Homeland Security Investigations (HSI) Special Agents (SAs) received information regarding a suspicious purchase of approximately three (3) 520 round tins of 7.62x39mm Monarch ammunition, purchased at a Federal Firearms Licensee (FFL) in McAllen, Texas. The FFL provided the date and time of the purchase as well as a partial number from a Tamaulipas, Mexico, identification document.

On August 16, 2017, HSI SAs reviewed the video surveillance footage from the date of the purchase and an electronic copy of a Mexican issued driver's license issued to Rigoberto MENA-Gutierrez. After reviewing the footage and the driver's license, SAs identified MENA-Gutierrez as the purchaser and possessor of the ammunition.

HSI SAs also observed a female, identified as Paola BENAVIDES, and another unnamed co-conspirator, arrive at the FFL and enter the FFL with MENA-Gutierrez.

Inside the FFL, BENAVIDES and MENA-Gutierrez visually examined ammunition together.

MENA-Gutierrez then loaded multiple boxes of ammunition into the cart. While MENA-Gutierrez was loading the ammunition, BENAVIDES was in control of the cart.

After the ammunition was loaded into the cart, BENAVIDES aided MENA-Gutierrez by taking possession of the cart of ammunition.

MENA-Gutierrez, BENAVIDES, and unnamed co-conspirator all arrived at the check-out counter together where MENA-Gutierrez unloaded all of the ammunition. MENA-Gutierrez paid cash for ammunition and MENA-Gutierrez, BENAVIDES, and unnamed co-conspirator exited the store together.

HSI SAs communicated with personnel from the FFL and discovered that the Monarch ammunition, purchased by MENA-Gutierrez, is manufactured in Russia and imported into the United States. Store personnel advised HSI SAs that they receive all ammunition sold at their FFL, to include Monarch ammunition, from one of their distributions centers. Ammunition received at the location in McAllen, Texas, is imported from Russia and stored at the distribution center located in Katy, Texas. Store personnel advised HSI SAs from the distribution center they receive their shipment of ammunition to their location in McAllen, Texas. Therefore, the aforementioned ammunition purchased by MENA-Gutierrez on July 26, 2017, had previously traveled in interstate or foreign commerce.

Record checks revealed MENA-Gutierrez to be a citizen of Mexico, present in the United States without any valid immigration documents which would allow MENA-Gutierrez to enter or remain in the United States legally. As such, MENA-Gutierrez is not allowed to legally possess ammunition, including the aforementioned ammunition.

On November 29, 2017, BENAVIDES was interviewed at the Rio Grande City, Texas, Port of Entry. BENAVIDES was advised of her Miranda rights, and after waiving her rights, stated she was aware that MENA-Gutierrez was a citizen of Mexico present in the United States without any valid immigration documents which would allow MENA-Gutierrez to enter or remain in the

Attachment "A"

United States legally. Nonetheless, BENAVIDES aided and abetted MENA-Gutierrez in the possession of the ammunition.

In addition, BENAVIDES stated she traveled with MENA-Gutierrez on multiple occasions to purchase ammunition and on each occasion BENAVIDES was aware they were traveling to the FFL to purchase ammunition.